

By: Dunnam

H.B. No. 3509

A BILL TO BE ENTITLED

AN ACT

relating to disqualification from driving a commercial motor vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 522.081(a)-(b), Transportation Code, is amended to read as follows:

Sec. 522.081. DISQUALIFICATION. (a) This subsection applies to a violation committed only while operating [~~any motor vehicle, including~~] a commercial motor vehicle. A person who holds a commercial driver's license is disqualified from driving a commercial motor vehicle for:

(1) 60 days if convicted of:

(A) two serious traffic violations that occur within a three-year period; or

(B) one violation of a law that regulates the operation of a motor vehicle at a railroad grade crossing; or

(2) 120 days if convicted of:

(A) three serious traffic violations arising from separate incidents occurring within a three-year period; or

(B) two violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period.

(b) This subsection applies to a violation committed only while operating [~~any motor vehicle, including~~] a commercial motor

1 vehicle, except as provided by this subsection. A person who holds
2 a commercial driver's license is disqualified from driving a
3 commercial motor vehicle for one year:

4 (1) if convicted of three violations of a law that
5 regulates the operation of a motor vehicle at a railroad grade
6 crossing that occur within a three-year period;

7 (2) on first conviction of:

8 (A) driving a motor vehicle under the influence
9 of alcohol or a controlled substance, including a violation of
10 Section 49.04 or 49.07, Penal Code;

11 (B) leaving the scene of an accident involving a
12 motor vehicle driven by the person;

13 (C) using a motor vehicle in the commission of a
14 felony, other than a felony described by Subsection (d)(2);

15 (D) causing the death of another person through
16 the negligent or criminal operation of a motor vehicle; or

17 (E) driving a commercial motor vehicle while the
18 person's commercial driver's license is revoked, suspended, or
19 canceled, or while the person is disqualified from driving a
20 commercial motor vehicle, for an action or conduct that occurred
21 while operating a commercial motor vehicle;

22 (3) for refusing to submit to a test under Chapter 724
23 to determine the person's alcohol concentration or the presence in
24 the person's body of a controlled substance or drug while operating
25 a motor vehicle in a public place; or

26 (4) if an analysis of the person's blood, breath, or
27 urine under Chapter 522, 524, or 724 determines that the person:

1 (A) had an alcohol concentration of 0.04 or more,
2 or that a controlled substance or drug was present in the person's
3 body, while operating a commercial motor vehicle in a public place;
4 or

5 (B) had an alcohol concentration of 0.08 or more
6 while operating a motor vehicle, other than a commercial motor
7 vehicle, in a public place.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2009.